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 21 DANIEL PATRICK GORMAN, dba
 22 FRAMEBIRD MEDIA and CHARLIE SEVEN
 23 FILMS, LLC

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 UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

1 GREGORY SHADE,

2 Plaintiff,

3 vs.

4 DANIEL PATRICK GORMAN
 5 individually and doing business as
 6 CHARLIE SEVEN FILMS, LLC,
 7 FRAMEBIRD MEDIA, CHIP R.
 8 BEASLEY, and ANDREW ELLIS,

9 Defendants.

10 Case No. 08 CV 3471 (SI)

11 **STIPULATED REQUEST FOR
 12 CONTINUANCE OF HEARING ON
 13 MOTION TO DISMISS, MOTION FOR
 14 PRELIMINARY INJUNCTION AND CASE
 15 MANAGEMENT CONFERENCE**

16 Date:
 17 Time: 9:00 a.m.
 18 Judge: Hon. Susan Illston
 19 Dept: Courtroom 10, 19th Floor

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 21 This Stipulation is made pursuant to Civil Local Rule 6-1(b) and 6-2 with reference to the
 22 following facts:

1 WHEREAS, the Court has noticed Hearings on Defendant Gorman's Motion to Dismiss
 2 and Anti-SLAPP Motion to Strike, Plaintiff's Motion for Preliminary Injunction and the Parties'
 3 Case Management Conference for November 14, 2008 (Dkts. 24, 31, 32);

4 WHEREAS, after Plaintiff filed his Motion for Preliminary Injunction, pursuant to Court
 5 Order, the Parties engaged in Expedited Discovery, including depositions of Plaintiff and
 6 Defendant Gorman (Dkt. 33);

7 WHEREAS, the Plaintiff thereafter filed a Reply in Support of Motion for Preliminary
 8 Injunction that incorporates new legal and factual contentions based on the depositions;

9 WHEREAS, the Parties agree that Defendant should be entitled to address these legal and
 10 factual contentions in a surreply not to exceed ten pages in length and that the Hearings should be
 11 continued to permit Defendant to file such a surreply;

12 IT IS HEREBY STIPULATED BY THE PARTIES, by and through their undersigned
 13 counsel of record, and the Parties jointly request, that the Hearings on Defendant Gorman's
 14 Motion to Dismiss and Anti-SLAPP Motion to Strike, Plaintiff's Motion for Preliminary
 15 Injunction, and the Case Management Conference, currently set for November 14, 2008, be
 16 rescheduled for December 5, 2008, or a date as soon thereafter as the Court's calendar permits,
 17 and that Defendant be permitted to file a surreply of not more than ten pages two weeks before
 18 such new hearing date.

19 DATED: November 4, 2008

20 SIDEMAN & BANCROFT LLP

21 By: /s/
 22 ROBERT R. CROSS
 23 Attorneys for Plaintiff

24 DATED: November 4, 2008

25 FARELLA BRAUN + MARTEL LLP

26 By: /s/
 27 DEEPAK GUPTA
 28 Attorneys for Defendants DANIEL PATRICK
 GORMAN, individually and doing business as
 CHARLIE SEVEN FILMS, LLC, and
 FRAMEBIRD MEDIA

ORDER

Having reviewed the parties' Stipulated Request for Continuance of Hearing on Motion to Dismiss, Motion for Preliminary Injunction and Case Management Conference herein,

IT IS HEREBY ORDERED THAT:

Defendant Gorman's Motion to Dismiss and Anti-SLAPP Motion to Strike, Plaintiff's Motion for Preliminary Injunction and the Case Management Conference (Dkts. 24, 31, 32) are continued to December 12, 2008, at 9:00 a.m. and 2:00 p.m., respectively

Two weeks before the continued hearing, Gorman may file a surreply in opposition to Plaintiff's Motion for Preliminary Injunction not to exceed ten pages in length.

Dated: _____, 2008

**Susan Illston
United States District Judge**